

The device of the present Application is directed towards, but not necessarily exclusively limited to the display of substantially planar objects. It includes four primary aspects in a preferred embodiment:

- 1) capacity for providing the simultaneous viewability of a plurality of held items;
- 2) guidewalls within the holding space of the device which serve to facilitate the positioning of held items in uniform parallel/perpendicular relation to each other; and
- 3) grasping tension method which exerts pressure to hold items substantially without requiring the items-to-be-held to possess predetermined properties, apart from a thickness that is not too great to preclude successful insertion into the device—although even modification of the design of the device of the disclosure to accommodate the insertion of items of virtually any thickness is possible, however;
- 4) transparency for a “covering” element of the holding device, which thereby permits an essentially entirely unobscured view of a held item.

To anticipate a Claim under 35 U.S.C. § 102(b), each and every element of the claimed invention must be found in a single prior art reference. MPEP § 2131. While each of the references cited by the Examiner may contain perhaps one element of the Newly Amended Claims of this subject Application, no one prior art reference contains each and every element of the Newly Amended Claims herein submitted in connection with the subject patent Application. Because no prior art reference describes each and every element of the device of this disclosure, Applicant, accordingly, contends that the Newly Amended Claims, are patentable over all prior art under 35 U.S.C. § 102(b) and respectfully requests that a timely Notice of Allowance be issued in this case.

OVERVIEW OF ARGUMENTS IN SUPPORT OF CONTENTION
THAT NEWLY AMENDED CLAIMS SHOULD BE ACCEPTED

U.S. Patent Nos. 5,473,796 to FUSILLO and 5,121,526 to BURKARD (1992) are essentially the same device(s), and the device of both patents suffers from the same deficiencies with regard to Applicant’s device, being the absence of guide walls and transparency.

U.S. Patent No. 4,365,454 to DAVIS suffers from the deficiencies with regard to Applicant's device, being the absence of a grasping tension method and transparency, along with the inability for virtually any planar item to be used since DAVIS's device depends on a co-operative, entire co-active system of male and female parts engineered to be used in conjunction with one another.

U.S. Patent No. 6,018,846 to ROYER suffers from the deficiencies with regard to Applicant's device, being the absence of the capacity for providing the simultaneous viewability of a plurality of held items and the absence of any transparency.

U.S. Patent No. 5,494,178 to MAHARG suffers from the deficiencies with regard to Applicant's device, being the inability to function whatsoever without stabilizing "poles" as part of an overall system and to which the connector pieces attach—connector pieces which lack transparency and also lack an integral tension element which is created by an additional element, that being screw clamps.

U.S. Patent No. 6,718,709 to KOUTRAS suffers from the deficiencies with regard to Applicant's device, being the absence of transparency as well as an interior tension aspect as part of an overall system.

Applicant contends that the absence of transparency alone, puts this subject U.S. Patent Application in a condition which merits patent protection; however, as has been described in the previous paragraphs, each of the relevant prior art patents suffers from at least one further deficiency. Applicant urges the Examiner to adopt the position that transparency is not an "obvious" structural element to one skilled in the art for at least the following three, primary reasons:

1) prior art devices have no call for the use of clear/translucent/transparent elements—thus, there would be no benefit conferred by use of elements with such a property, and therefore,

no predilection or even conception towards its use, whereas, by contrast, the use of clear/translucent/transparent element(s) is extremely important to Applicant's device;

2) clear/translucent/transparent materials typically would be both more expensive to use; and

3) less structurally strong than other, non-translucent materials.

Hence, use of transparency in the devices disclosed in prior art would not be "obvious", let alone even contemplated, as there would be no benefit to such an incorporation into the prior art devices.

MAHARG

U.S. Patent No. 5,494,198 to MAHARG, included in the April 11, 2007 Office Action but not referenced in the Office Action itself, discloses a device specifically designed for holding together a group of panels integrally using (First and Third Independent Claims 1 and 3) at least "two longitudinally extending members" without which the structure would not function as it is intended. Moreover, MAHARG's Second Independent Claim discloses "screw clamping means" which, by its very nature, suggests an additional element, that being a screw which is absent in Applicant's device. Thus, the two dramatically different, above-referenced, structural forms which are radically distinct from the device of Applicant's disclosure are—alone—sufficient to traverse any objections to Applicant's claims that MAHARG might possibly raise.

In fact, although U.S. Patent No. 6,718,709 to KOUTRAS is also not really relevant to this prosecution, nevertheless, KOUTRAS could be considered more relevant than MAHARG. Even the structure and claims of KOUTRAS, however, do not anticipate, teach or suggest all the claims of Applicant's device. The reason for this is that although the device of KOUTRAS is, seemingly, geared towards display, KOUTRAS intends the structure to be for large display panels which would be positioned on the floor, and therefore, takes advantage of the existence of gravity to maintain the display panels in proximate relation to one another. This is to say,

KOUTRAS is lacking, as it has no need at all for a tension/gripping structural aspect existing in both FUSILLO and BURKHARD. This will be addressed later in this Response.

For at least the above-presented reasons, Applicant maintains that MAHARG does not describe, teach, or suggest each and every element of Applicant's claims, and these claims are patentable over MAHARG under 35 U.S.C. § 102(b). The grounds for this rejection are respectfully traversed.

FUSILLO

U.S. Patent 5,473,796 to FUSILLO, included in the April 11, 2007 Office Action and cited therein, discloses a device specifically for closing/sealing the end of a rolled, plastic produce bag. Indeed, while "FIGS. 4-5" of FUSILLO do, on first glance, appear to bear some relevance to Applicant's device of this subject Application, upon more than a cursory inspection, however, it becomes readily evident that neither FUSILLO's specification, nor claims anticipate, teach or even suggest the complete device of this subject Application.

The primary and significant distinction between Applicant's device and that of FUSILLO is that FUSILLO, as is obvious in both its claims and drawings, does not disclose, anticipate, teach or even suggest even one, let alone multiple "guidewalls" which are the "crux"—meaning one of the most important elements if not the most important element—of Applicant's device. The essential reason for the absence of any hint of "guidewalls" in FUSILLO is that the object of FUSILLO's disclosure never even remotely contemplates the application of the device of that disclosure towards displaying items. Hence, the absolute lack of any need for a "guide walls".

If the prior art structure is capable of performing the intended use, then it meets the claim. (37 CFR § 1.111) While it is true that FUSILLO's device could, indeed, conceivably be employed to hold photographs or traditional trading cards in the same fashion that sterilized, traditional clothespins could be used instead of surgical clamps during medical operations, using a bag-tying device of FUSILLO's disclosure in an attempt hold photographs or trading cards

would still allow for the disadvantages that Applicant's device overcomes, including: 1) the obstruction of part of the view of held item, and 2) inability to easily and certainly assure the aesthetic "lining up" of the held items one to another in an aesthetically pleasing manner—a "lining up" which can only be accomplished with "guidewalls". FIG. 6 of FUSILLO does disclose sections, but those sections are not divided. The only purpose for those sections is as a means to secure the end of a rolled plastic bag to contribute to the prevention of a held bag's inadvertent opening at a time that is not specifically desired by a bag user/owner. Again, FUSILLO does not teach, allude to, suggest, anticipate or—most importantly—claim "guidewalls" as, its intended purpose does not require such "guidewalls".

Neither in any manner in its disclosure, nor in its claims does FUSILLO suggest a structure which capable of performing as the device of Applicant's disclosure can. The reasons for this are twofold: 1) FUSILLO does not teach or suggest any mechanism or means for ensuring the uniform, aesthetically pleasing "lining up" of items, such as, for example, photographs (items that it was not intended to have inserted into any potential structure according to its claims); and 2) there is no means to ensure the aesthetically pleasing "lack of distraction" that a translucent covering element confers and which, because FUSILLO was not intended to be used for displaying items, would decidedly not be or have been obvious to either FUSILLO or someone skilled in the field of art of FUSILLO, as there would be no benefit whatsoever to incorporating a translucent element into his structure. Again, even if a translucent element would have been potentially valuable to FUSILLO's structure and, only then, therefore, even remotely considerable as an "obvious" structural element, FUSILLO's structure still does not provide a crucial aspect of the device of Applicant's disclosure, that being the "guiding walls" (of the type present in ROYER) which offer a substantially perfectly aligned display—an equaled alignment which is impossible to achieve through FUSILLO's structure.

Neither of the following dependent claims: “6. The bag closure device of claim 1, wherein said opposing jaws extend laterally from the opposite ends of said central body. 7. The bag closure device of claim 1 wherein said opposing jaws extend longitudinally from the opposite ends of said central body.” which teach and limit the scope of the claims of FUSILLO’s device in any way references, teaches, alludes to, conceives of or describes at least two essential elements of Applicant’s device, those being: guidewalls/guide sections and transparency. The claims of Applicant’s device read: “at least four substantially strait and smooth edges...at right angles to each other, situated at 90 degree intervals in perpendicular relation to each other...” While it is true that some aspects of FUSILLO’s claims conjure-up the image of some aspects of Applicant’s device, the guidewalls which can be found, for instance, in KOUTRAS’ ‘709 U.S. Patent are conspicuously absent from FUSILLO.

FUSILLO’s claims and, indeed, FUSILLO’s Specification, as well, disclose: “{Claim} 10. ...gripping teeth placed within each set of opposing jaws for gripping a rolled plastic bag”. Such a concept is different from and disadvantageous to Applicant’s disclosure which specifically does not disclose the use of a set of two “jaws” since, in a preferred embodiment, one grouping of “jaws” on the translucent “cover” side of Applicant’s device would in all likelihood somewhat obscure the item to be held for display purposes—a distinct disadvantage which the device of Applicant’s disclosure endeavors to overcome. FUSILLO’s disclosed “interior surface adjacent to teeth 38 of respective jaw member 12” does not mean substantially straight and smooth edges” which Applicant’s device requires in order for a display item to be positioned in an optimal aesthetically pleasing fashion. In fact, the incorporation of such guide walls in a device of FUSILLO’s disclosure would, in fact, be entirely contrary to what FUSILLO’s device would desire as such guide walls would at least hinder if not entirely thwart even the most basic use, let alone the optimal use of a device of FUSILLO’s disclosure!

The reason for this is that the purpose of FUSILLO's device is to grasp the "handle(s)" of a plastic bag, which have substantially different properties than a flat, paper-like item.

Applicant maintains that the device of this application is a unique, never before contemplated device which claims the unusual and uncommon separate elements of the gripping aspect of FUSILLO, although not in the same manner as FUSILLO, and the alignment for display purposes disclosed in KOUTRAS. Along with this, Applicant's device also claims the transparency element which is not suggested anywhere in KOUTRAS or FUSILLO.

Furthermore, FUSILLO's First Independent Claim specifically designates, "(h) ...whereby a rolled plastic produce bag is pulled into each jaw." Applicant's device makes no such specification in relation to its claims, and, therefore, are in yet another fashion distinguishable from those claims of FUSILLO.

For at least the above-presented reasons, Applicant maintains that FUSILLO does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims are patentable over FUSILLO under 35 U.S.C. § 102(b). The grounds for this rejection are respectfully traversed.

DAVIS

While the construction system of U.S. Patent No. 4,365,454 to DAVIS seems to be potentially useful for display purposes, this is the extent to which any similarity between the physical structure of this device and that of Applicant's disclosure may be made. The essential reason for this is that DAVIS' device requires the inter-related "interaction" between male and female ends which are specifically designed to interrelate. The device of the disclosure of Applicant requires no such pre-determined interrelationship. This is to say, that most any flat paper/card/cardboard/plastic/etc. type item may be used with the device and does not require any special, specific pre-determined dimensions in order for use to be possible. This is a dramatic

departure from DAVIS which, by the nature of its very title, "SYSTEM" suggests the inter-related and inter-dependent nature of the "male" and "female" elements of its disclosure.

The system of DAVIS is entirely dependent upon pre-designed, elements which are specifically engineered to be used together solely with each other. This is to say, unless a "male" support structure from DAVIS's system capable of precisely fitting "snugly" into one of the "female" "recesses", was paired together with such a recess, DAVIS's system would not work. DAVIS's system seems to offer elements which, if any do bear any resemblance to those of Applicant's device, then those similarities may only be described as to some small degree "the reverse" of those of Applicant's device. Since DAVIS's claims refer to connecting members having "hinges" and "main body and the member being formed from a material consisting of two sheets of paper between which is sandwiched a layer of foamed plastic", it is obvious to one skilled in the art that the claims as set forth by DAVIS are not the same as those of Applicant and, moreover, would not encompass Applicant's disclosure.

For at least the above-presented reasons, Applicant maintains that FUSILLO does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims are patentable over FUSILLO under 35 U.S.C. § 102(b). The grounds for this rejection are respectfully traversed.

CONCLUSION

Accordingly, for at least the reasons set forth herein by Applicant in this case, Applicant maintains that no prior art describes, teaches, or suggests the novel combination of each and every element of the Newly Amended Claims, and that the Newly Amended Claims are patentable over all prior art under 35 U.S. C. Section 102(b).

Applicant wishes to express gratitude for the courtesy shown him by the Examiner during Applicant's previous telephone conferences with the Examiner. The Examiner has been patient professional, pleasant in contact with Applicant.

Applicant hopes that the Examiner will, after careful reflection of the points expressed in this Response, accept the Newly Amended Claims. Applicant believes that specific distinctions between the subject Application and prior art have been presented herein. Applicant feels quite strongly that the device of this disclosure is new, novel and unobvious, has never been disclosed before in any prior art, and that no prior art structure currently exists to perform the function(s) that the device of Applicant's disclosure permits. In fact, Applicant is constantly amazed at how many times in TV programs and movie scenes, as well as in real life, Applicant encounters circumstances which underscore the need for and indicate the benefit of a device such as that of Applicant's disclosure. Such a device, either in concept or in structural execution does not currently exist. Accordingly, Applicant adamantly and steadfastly maintains that patentable matter is presented within the subject disclosure.

In view of the foregoing remarks, and as demonstrated above with the submission of the Newly Amended Claims, Applicant respectfully requests the entry of the amendments contained herein, and contends that this application should now be in condition for allowance. A notice to this effect is respectfully requested. Because the reasons above are sufficient to warrant allowance for this patent application, Applicant has not explored, nor is there now presented, other possible supporting information in response to the First Office Action. Nonetheless, Applicant expressly reserves the right to present further supporting information in the future, if appropriate, in response to any subsequent Office Action. After considering these remarks, if the Examiner believes that a telephone conference with Applicant would be advantageous towards the disposition of this case in a manner favorable to Applicant, the Examiner is requested contact Applicant at the telephone number listed below.

An early and favorable action is hereby requested.

Respectfully submitted,

Date: July 28, 2007

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